Judge Marc L. Barreca
Hearing location: Room 7106
700 Stewart St., Seattle, WA 98101
Hearing date: August 30, 2013
Hearing time: 9:30 a.m.
Response Due: August 23, 2013

UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE: ADAM GROSSMAN, Debtor.	CHAPTER 7 CASE NO. 10-19817 SPECIAL COUNSEL'S INTERIM APPLICATION FOR COMPENSATION AND REIMBURSEMENT

COMES NOW Stephen M. Dean and applies to the Court for interim compensation and reimbursement as set forth below.

1. Your applicant is an attorney located in Redding, California with a concentration in real estate law. Your applicant is serving as special counsel for Ronald G. Brown, the trustee in the above-entitled case, and makes this application for allowance and payment of interim compensation and reimbursement. All services for which compensation is requested were performed for and on behalf of the Trustee and not on behalf of any committee, creditor, or other persons.

2. On August 19, 2010, the Debtor filed a Chapter 11 bankruptcy petition. Ronald G. Brown was appointed as the Chapter 11 trustee in the case on December 22, 2010. On March 11, 2011, the case was converted to Chapter 7 and Ronald G. Brown was subsequently appointed trustee.

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3. The Trustee, upon Court approval, retained your applicant as special counsel to assist him with obtaining the vacation or eviction of occupants of residential property located in the Redding area and, as needed, to address any issues affecting the Trustee's title thereto. The services which your applicant rendered to date are summarized below.

The Trustee's real estate agent discovered that a person named Evan Claver was occupying the residence located at 1679 Strauss Lane, Redding, California 96003 (hereinafter the "Strauss property"). Mr. Claver was the previous owner of the Strauss property and occupied it notwithstanding the fact that utility services to the property had ceased. Applicant prepared and served a 3-day notice to vacate the premises upon Mr. Claver in June, 2012. Applicant prepared and served a second 3-day notice upon Mr. Claver instructing him to resume utility service. Mr. Claver secured resumption of utility services but refused to vacate. Your applicant thereafter served a 60-day notice upon Mr. Claver to vacate within which time Mr. Claver permanently left the premises.

The property located at 20710 Glenview Drive, Cottonwood California 96002 (hereinafter the "Glenview property") was occupied by Jason White and Irene Miller. This property posed unique challenges. Cottonwood is located in two counties with a creek as the dividing line. Your applicant researched the status of the property and, with the assistance of the Trustee's real estate agent, was able to determine the proper county for commencing legal proceedings in regard to the property. Ms. Miller alleged that she was in lawful possession of the premises under a lease between her and the Debtor. The monthly rent reserved in the lease was $2,500.00. Based upon your applicant's investigation, it was determined that Ms. Miller was in default under the lease, having failed to pay monthly rent. Applicant prepared and served Mr. White and Ms. Miller with a 3-day notice for unpaid rent for the period of May and June 2012. Your applicant also prepared and served the tenants with a 60-day notice to terminate

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the lease and for the tenants to vacate the premises to preclude any continuation of the alleged tenancy. Mr. White and Ms. Miller refused to vacate the property. It was thus necessary for Applicant to commence an action for unlawful detainer. Your applicant prepared an appropriate complaint and summons which were duly filed and served. In their answer to the complaint, the tenants alleged that they offered to pay the rent but it was unaccepted and that, in any event, Ms. Miller actually owned the house. In support of her claim, Ms. Miller produced various documents that were created by the Debtor post-bankruptcy to, apparently, give the appearance of a legitimate tenancy and ownership. The matter was subsequently set for trial. The trial occurred and, as a result thereof, the Trustee prevailed. The court entered judgment in the Trustee's favor against the tenants for $13,499.66 plus the right to seek attorney's fees and court costs and for taking re- possession of the property. The assistance of the local sheriff was required to secure Mr. White's and Ms. Miller's vacation from the premises.

3. The foregoing and other services which your applicant performed are described in more detail in the attached statement of services rendered. All time is charged at the standard hourly rates of Applicant and his staff. The time expended and charges for Applicant's services may be summarized as follows:

8/29/12 – 1/29/13	10.7	$235	$2,100.00
6/27/12 – 9/27/12	1.1 (includes staff time)		$ 158.50
		Total	$2,258.50

The breakdown of your applicant's costs are as follows

Fees for process service, Superior Court, and Sheriff $ 679.80

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5. Applicant was paid a retainer totaling $1,000. After deduction of the retainer, the total amount of Applicant's fees is $1,258.50. Applicant has received no other payments and no promises for payments for services rendered or to be rendered in any capacity whatsoever in connection with this case and there is no agreement or understanding between Applicant and any other person for sharing compensation to be received herein.

6. In addition to the property described above, there is residence located on Montcrest Drive, as to which the Trustee has to indicated to Applicant further services may be required.

7. Applicant believes that he has fully and faithfully performed the services which the Trustee requested and believes that his services were of substantial benefit to the estate. Applicant believes that it has duly earned the full amount of its above stated fees.

8. There was only one retainer received of $1,000.00. Staff mistakenly applied it to the bills as that is how normal retainers are handled. However, it has been placed back in Trust which was the reason for the request for Order authorizing my office to distribute it to pay a portion of the fees and costs.

THEREFORE, your applicant prays that he be allowed fees in the total amount of $2,258.50 as compensation for services rendered and $679.80 as reimbursement for costs incurred for a total of $2,938.30 as interim compensation and reimbursement. Applicant further requests an Order authorizing the him to distribute $1,000 currently deposited in his firm's IOLTA trust fund account in partial satisfaction of his allowed fees and costs, leaving a balance due of $1,938.30.

Dated this 25th day of June, 2013

Stephen M. Dean, CABA #73328
Special Counsel for Trustee

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02/03/13

Ronald G. Brown
999 Third Avenue #2525
Seattle WA 98104

ACCOUNT # BROWR-01

RE: Jason White & Irene Miller (Glenview)

PLEASE PUT YOUR ACCOUNT NUMBER ON YOUR CHECK
THE ACCOUNT NUMBER IS LOCATED IN UPPER RIGHT CORNER!

DATE	PROFESSIONAL SERVICE	HOURS	AMOUNT
08/29/12	Attorney Time- Telephone call from Rob Middleton asking if we had received retainer deposit. Advised Mr. Middleton that we have not received retainer deposit.	0.1	
09/04/12	Attorney Time- Received information that we have been given money; Reviewed file; Started drafting of complaint.	0.3	
09/05/12	Staff Time- Typing of Summons, Complaint, Pre-Judgment, Civil Case Cover Sheet and Instructions to Process Server; Made copies of all documents to be filed with Court and for service; Disbursed cvhecks; Placed new dates on calendar.	1.0	
	Attorney Time- Reviewed file; Drafted eviction complaint against White and Miller in the Adam Grossman Bankruptcy Case.	0.4	
	Attorney Time- Modified and finalized eviction complaint against 20710 Glenview Drive.	0.1	
09/10/12	Attorney Time- Office conference with Process Server. The tenant he served told the Process Server that the tenant attributed Adam Grossman's		

02/03/13

Ronald G. Brown

ACCOUNT # BROWR-01

RE: Jason White & Irene Miller (Glenview)

DATE	PROFESSIONAL SERVICE	HOURS	AMOUNT
	criminal acts to the Bankruptcy Trustee but all documents are in the name of Grossman so it was him; Made notes.	0.3	
09/18/12	Paralegal Time- Prepared rough draft of Request for Dismissal of Does I-X inc.	0.1	
	Paralegal Time- Prepared Request to Set Case for Trial on both defendants.	0.1	
	Attorney Time- Reviewed and signed documents to have case set for trial.	0.1	
09/25/12	Attorney Time- Received Notice of Trial; Checked file, determined what I need to prove point. Located one document that would cover what I need. Sent e-mail to Bankruptcy Trustee's Office to attempt to obtain a Certified Copy of that Order.	0.7	
	Attorney Time- Received e-mail from Denise Moewes. Unzipped and printed out the documents; Gave instructions.	0.2	
09/27/12	Attorney Time- Reviewed e-mail from Mr. Brown the Bankruptcy Trustee that the tenants want to pay rent; Reviewed file, learned trial date is being changed; Drafted e-mail back to Mr. Brown and Denice Moewes concerning the request, the problems of taking any money and requested clear instructions.	0.3	
09/28/12	Attorney Time- Reviewed e-mail from Denice; Sent e-mail back to Denice explaining that it		

02/03/13

Ronald G. Brown

ACCOUNT # BROWR-01

RE: Jason White & Irene Miller (Glenview)

DATE	PROFESSIONAL SERVICE	HOURS	AMOUNT
	would help if she was here to explain bankruptcy.	0.1	
	Attorney Time- Reviewed two e-mails from Denice Moewes; Drafted e-mail back and answered questions in both e-mails as to where to fly into and the possibility of a court appearance.	0.2	
	Attorney Time- Reviewed e-mail from Denice advising that she will fly in for trial.	0.1	
10/05/12	Paralegal Time- Prepared rough draft of Unlawful Detainer Trial Documents including Worksheet, Memorandum of Costs, two Court Judgments, Writ of Possession and Instructions to Sheriff.	0.8	
	Staff Time- Made copies of all documents to be filed with Court and mailed; Disbursed check; Placed new dates on calendar.	0.2	
10/08/12	Attorney Time- Reviewed e-mail from Denise Moewes; Printed out exhibits to prepare for trial; Gave instructions on organizing exhibits; Responded to e-mail from Ms. Moewes; Telephone call to Rob Middleton (Realtor) to make sure he will be at trial, left voice mail.	0.4	
10/10/12	Attorney Time- Reviewed file; Organized questions; Checked out title to Glenview Drive; Determined which areas to cover with which witness; Reviewed title information, printed out Deed from Irene Miller; Telephone call to Rob		

02/03/13

Ronald G. Brown

ACCOUNT # BROWR-01

RE: Jason White & Irene Miller (Glenview)

DATE	PROFESSIONAL SERVICE	HOURS	AMOUNT
	Middleton, decided about arrangements for who will pick up Denise and who will check out possession. Rob checked on possession; I e-mailed Denise about Rob picking her up.	0.9	
	Attorney Time- Telephone call from Rob Middleton, received information on current status of property (they are still there).	0.1	
	Attorney Time- Reviewed documents, organized questions to ask; Decided which evidence to submit via Ms. Moewes and through Mr. Middleton and which evidence to submit through defendants.	0.6	
	Attorney Time- Prepared for Court; Outlined questions to ask everyone; Drove to Court, purchased Certified Copy of Deed by Irene Miller; Went to Court, waited until case was called. Witnesses arrived, case called; Opposed Continuance Request by private attorney making special appearance. Continuance was denied; Presented out case. The Defendants were not there; Obtained Judgment as Prayed; Went to Clerk's Office, obtained copies of Judgment and had Writ issued; Drove to Sheriff's Office, delivered Writ to Sheriff; Returned to my office; Drafted notes; Gave instructions.	3.3	
10/11/12	Paralegal Time- Prepared rough draft of Notice of Entry of Judgment After Trial and Certificate of Mailing	0.1	

02/03/13

Ronald G. Brown

ACCOUNT # BROWR-01

RE: Jason White & Irene Miller (Glenview)

DATE	PROFESSIONAL SERVICE	HOURS	AMOUNT
	Attorney Time- Reviewed file; Signed Notice of Entry of Judgment.	0.1	
10/17/12	Paralegal Time- Prepared rough draft of letter to Tehama County Sheriff to cancel Writ of Possession.	0.1	
	Subtotal for FEES through 01/29/13	10.7	$2,100.50

	DISBURSEMENTS	AMOUNT
09/05/12	Fee to Superior Court of California for Court to file Summons and Complaint.	240.00
09/05/12	Fee to Process Server to file Summons and Complaint in Superior Court in Red Bluff.	35.00
09/05/12	Fee to Process Server to serve Summons, Complaint and Pre-Judgment on tenants.	105.00
09/11/12	Fee to Process Server for mileage for service of Summons, Complaint and Pre-Judgment.	88.80
09/18/12	Fee to Superior Court of California to purchase copy of Answer.	1.00
10/10/12	Fee to Superior Court of California to issue Writ of Possession	25.00
10/10/12	Fee to Tehama County Sheriff to serve Writ of Possession	125.00
	Subtotal for COSTS through 01/29/13	$619.80
	TOTAL FEES and COSTS through 01/29/13	$2,720.30

BALANCE FORWARD $565.86

DATE		PAYMENTS	AMOUNT
09/11/12	17597	PAYMENT RECEIVED FROM RETAINER ON ACCOUNT	500.00CR
		Payment Received - THANK YOU!	$500.00CR

02/03/13

Ronald G. Brown

ACCOUNT # BROWR-01

RE: Jason White & Irene Miller (Glenview)

PLEASE PAY THIS AMOUNT $2,786.16

DATE	TRUST ACTIVITY	AMOUNT
09/04/12	RETAINER RECEIVED Check No. 1004	500.00
09/11/12	TRANSFER RETAINER ON ACCOUNT TO BALANCE OWING	500.00-
10/19/12	Received Tehama County Sheriff's Office Check No. C29744 for refund on case. Funds placed in Client's Trust Account for future disbursement.	22.00
	Trust Activity this period	$22.00
	CURRENT TRUST BALANCE as of 01/31/13	$22.00

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02/03/13

Ronald G. Brown
999 Third Avenue #2525
Seattle WA 98104

ACCOUNT # BROWR-02

RE: Evan Claver (Strauss Lane)

PLEASE PUT YOUR ACCOUNT NUMBER ON YOUR CHECK
THE ACCOUNT NUMBER IS LOCATED IN UPPER RIGHT CORNER!

DATE	PROFESSIONAL SERVICE	HOURS	AMOUNT
06/27/12	Attorney Time- Telephone call from Rob Middleton. I explained that we are ready to evict but I still need money to pay costs and approval to use the money to pay costs.	0.1	
09/05/12	Staff Time- Typed 60-Day Notice to Terminate Tenancy; Typed instructions to Process Server; Made copies to be served; Disbursed checks; Placed new dates on calendar.	0.5	
	Attorney Time- Reviewed documents in file; Telephone call to Rob Middleton. The utilities were turned on so the old Notice cannot be used; Drafted new 60-Day Notice.	0.3	
	Attorney Time- Finalized 60-Day Notice.	0.1	
09/27/12	Attorney Time- Received e-mail to stop work; Checked through file. We have not filed anything in Court yet; Gave instructions to stop case; Sent e-mail back to Denice Moewes confirming ceasing work.	0.1	
	Subtotal for FEES through 01/29/13	1.1	$158.50

02/03/13

Ronald G. Brown

ACCOUNT # BROWR-02

RE: Evan Claver (Strauss Lane)

	DISBURSEMENTS	AMOUNT
09/05/12	Fee to Process Servers to serve Notice of Termination of Tenancy.	60.00
	Subtotal for COSTS through 01/29/13	$60.00
	TOTAL FEES and COSTS through 01/29/13	$218.50

BALANCE FORWARD $165.00

DATE		PAYMENTS	AMOUNT
09/11/12	Multiple	PAYMENT RECEIVED FROM RETAINER ON ACCOUNT	225.00CR
		Payment Received - THANK YOU!	$225.00CR
		PLEASE PAY THIS AMOUNT	$158.50

DATE	TRUST ACTIVITY	AMOUNT
09/04/12	RETAINER RECEIVED Check No. 1004	500.00
09/11/12	TRANSFER RETAINER ON ACCOUNT TO BALANCE OWING	225.00-
09/24/12	Reimbursed Trust Transfer taken in error on 9-11-12 (Trust Transfer Check No. 6109)	135.00
	Trust Activity this period	$410.00
	CURRENT TRUST BALANCE as of 01/31/13	$410.00

Judge Marc L. Barreca

UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE:	)	CHAPTER 7
	)	CASE NO. 10-19817
ADAM GROSSMAN,	)	
	)	ORDER APPROVING INTERIM COMPENSATION AND REIMBURSEMENT FOR STEPHEN M. DEAN, SPECIAL COUNSEL FOR TRUSTEE
Debtor.	)	

THIS MATTER CAME before the Court upon the Notice of Hearing and Application of Stephen M. Dean, Special Counsel for Trustee, for Interim Compensation and Reimbursement (the "Application"). The Court considered the Application, the declaration of the Trustee's attorney of no objection to the Application, and the pleadings and records in the above-entitled case. The Court finds that notice of the Application was properly given, that no objections or responses to the Application were filed, that the amount of compensation and reimbursement requested in the Application is

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reasonable, actual and necessary costs of administration which should be allowed, approved, and paid, and that the Application should be approved. NOW, THEREFORE,

IT IS HEREBY ORDERED as follows:

1. The Application is approved.

2. Interim compensation and reimbursement for services rendered and costs incurred are allowed as costs of administration to Stephen M. Dean, special counsel, as follows: $2,258.50 for fees and $679.80 for costs for a total of $2,938.30. Special Counsel is authorized forthwith to apply the $1,000 retainer he holds to the above allowed fees and costs.

3. The Trustee is authorized to pay the balance of Special Counsel's allowed fees and costs forthwith from funds of the bankruptcy estate.

///END OF ORDER///

Presented by:

KRIEGMAN LAW OFFICE, PLLC

/s/ Bruce P. Kriegman

Bruce P. Kriegman, WSBA #14228
Attorneys for Trustee

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